

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

TYWANNE M ALDRIDGE,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 04-0023-CV-W-NKL-P
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	
	)	
	)	

ORDER

On January 7, 2004, Petitioner Aldridge filed a motion to set aside or correct his sentence under 28 U.S.C. § 2255. Because his direct appeal was still pending at that time, he eventually dismissed his Motion without prejudice on April 13, 2004. In July 2005, the Eighth Circuit vacated his sentence in part and remanded for resentencing. He was resentenced in December 2005 to two consecutive 60 months' terms of imprisonment under Criminal Case No. 00-0060-CR-W-NKL. Aldridge has now moved [Doc. # 11] to reopen the civil case he dismissed in 2004, and attaches his earlier 2255 motion as an exhibit. He has also filed a motion to conduct limited discovery [Doc. # 13].

Because Aldridge's original 2255 motion was filed during the pendency of his direct review, the exhibit attached to the current Motion does not contemplate anything that has happened with his case since it was filed—including the appeal and subsequent

order to vacate and remand for resentencing. Therefore, in order to prevent any confusion as to the status of Aldridge's 2255 motion and to ensure that it is up to date and includes all relevant information about his case, the Motion should be filed as a new case under a new case number. Moreover, the United States has conceded that because the earlier motion was dismissed without prejudice, none of Aldridge's arguments will be waived and his new motion will not be considered a successive petition.

Accordingly, the Motion to Reopen this case [Doc. # 11] is DENIED. It is further ORDERED that the Motion to Conduct Limited Discovery [Doc. #13] is DENIED. IT IS SO ORDERED.

s/ Nanette K. Laughrey  
NANETTE K. LAUGHREY  
United States District Judge

Dated: October 3, 2006  
Jefferson City, Missouri